

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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LEODEGARIO SALVADOR,

Case No. 2:13-CV-1011 JCM (GWF)

Plaintiff(s),

ORDER

V.

NATIONAL DEFAULT SERVICING
CORPORATION, et al.,

Defendant(s).

Presently before the court is the matter of *Salvador v. National Default Servicing Corp., et al.*, case no. 2:13-cv-01011-JCM-GWF.

Defendant and third-party plaintiff Wells Fargo Bank, N.A. (“Wells Fargo”) has filed a notice of constitutional question. (ECF No. # 57). The notice indicates that Wells Fargo challenges the constitutionality of Nevada Revised Statute 116.3116, *et seq.* (See *id.*; ECF No. # 43; ECF No. # 1-2).

A party who files a pleading, written motion, or other paper drawing into question the constitutionality of a state statute must promptly “file a notice of constitutional question stating the question and identifying the paper that raises it, if . . . the parties do not include the state, one of its agencies, or one of its officers or employees in an official capacity . . .” FED. R. CIV. P. 5.1(a)(1)(B).

Wells Fargo has demonstrated its compliance with FRCP 5.1(a)(1)(B). (See ECF No. # 57). However, FRCP 5.1 also requires the court to “certify to the appropriate attorney general that a statute has been questioned” under 28 U.S.C. § 2403. Fed. R. Civ. P. 5.1(b). Section 2403 states that the court “shall permit the [s]tate to intervene for presentation of evidence, if evidence is otherwise admissible in the case, and for argument on the question of constitutionality.” 28 U.S.C. § 2403(b).

The attorney general for the state of Nevada shall have thirty days to intervene in this matter.

Accordingly,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that this court certifies to the Nevada attorney general that the constitutionality of NRS 116.3116, *et seq.*, has been challenged. The attorney general shall have thirty (30) days within which to intervene on behalf of the state of Nevada for presentation of argument on the question of the constitutionality of the statute.

IT IS FURTHER ORDERED that the clerk of court shall send a copy of this order by certified mail to the Nevada attorney general.

DATED May 12, 2016.

James C. Mahan
UNITED STATES DISTRICT JUDGE